

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re

ACME CAKE CO., INC.,

Debtor.

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Case No. 08-41965-CEC

Chapter 11

ORDER

Upon the applications for compensation and reimbursement of expenses of the following retained professionals: (1) Backenroth Frankel & Krinsky LLP (“Backenroth Frankel”) as counsel to the Committee of Unsecured Creditors (the “Committee”); (2) Weinberg Gross & Pergament LLP (“Weinberg Gross & Pergament”), as counsel Acme Cake Co., Inc. (the “Debtor”); (3) Goldberg Weprin Finkel Goldstein LLP (“Finkel Goldstein”) (formerly known as Finkel Goldstein Rosenbloom & Nash, LLP), as former counsel to the Committee; (4) Kelley Drye & Warren LLP (“Kelley Drye”), as former counsel to the Committee; (5) Franklin, Gringer & Cohen, P.C, as special counsel to the Debtor (“Franklin Gringer”); and (6) Stuart, Edelstein, Linderman & Co., Inc. (“Stuart Edelstein”), as Debtor's accountants; and upon the motion of Sabatini Frozen Foods, LLC (“Sabatini”) to dismiss this case pursuant to § 1112(b); upon the motion of Kelley Drye to appoint a chapter 11 trustee or alternatively, to convert the case to chapter 7; upon the record established at the hearings held on August 11, 2010 and August 26, 2010; and for the reasons stated in this Court’s decision dated October 18, 2010, it is

ORDERED, that Backenroth Frankel’s fees in this case are fixed at \$60,116 and its reimbursement of expenses is fixed at \$1,373.14; and it is further

ORDERED, that Weinberg Gross & Pergament is permitted to withdraw its application for compensation; and it is further

ORDERED, that Finkel Goldstein's fees in this case are fixed at \$17,791.50, and its expenses are fixed at \$270.39; and it is further

ORDERED, that Kelley Drye's fees in this case are fixed at \$129,949.20 and its expenses are fixed at \$3,436.38; and it is further

ORDERED, that Franklin Gringer's fee application is denied in its entirety; and it is further

ORDERED, that Stuart Edelstein's fees are fixed in this case at \$42,211.36, and its expenses are fixed at \$145.04; and it is further

ORDERED, that Kelley Drye's motion to appoint a chapter 11 trustee or alternatively, to convert this case to one under chapter 7, is denied; and it is further

ORDERED, that Sabatini's motion to dismiss this case is granted pursuant to § 1112(b); and it is further

ORDERED, that the Debtor pay to the United States Trustee the appropriate sum required, if any, pursuant to 28 U.S.C. § 1930, within ten days of entry of this order, and simultaneously provide to the United States Trustee an appropriate affidavit indicating cash disbursements, if any, for the relevant period.

**Dated: Brooklyn, New York  
October 18, 2010**



  
Carla E. Craig  
United States Bankruptcy Judge